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**CENTRAL FAX CENTER****AUG 17 2004****OFFICIAL****TO:** Examiner Mohamed  
Charioui, Tech Center 2857  
**FIRM:** USPTO  
**FAX NO.:** (703) 872-9305**From:**Kevin G. Mierzwa**Date:**August 17, 2004**Our File No.:**125755 (GEMS 0160 PUS)  
10/064,128**Your Ref. No.:****Comments:**Attached is Notice of Appeal from the decision of the  
Primary Examiner dated May 17, 2004, as well as Fee  
Transmittal for FY 2004.**Total Pages (incl. Cover sheet):** 4

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AUG 17 2004  
**OFFICIAL**

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of

Claude Scher

Group Art Unit: 2857

Serial No.: 10/064,128

Examiner: Charioui, Mohamed

Filed: 06/13/2002

For: DIAGNOSTIC SYSTEM FOR A DATA ACQUISITION SYSTEM

Attorney Docket No.: 125755 (GEMS 0160 PUS)

**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being transmitted by facsimile to the United States Patent and Trademark Office, Centralized Facsimile No. (703) 872-9306.

Signature

Kevin G. Mierzwa

Date:

8/17/04

**NOTICE OF APPEAL FROM THE PRIMARY****EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**  
**(37 C.F.R. § 1.191)**Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed May 17, 2004, finally rejecting claims 1-20.

This application is on behalf of other than a small entity.

The fee for filing the Notice of Appeal is \$330.00.

1  
(10/064,128)

The Commissioner is hereby authorized to charge payment of the required fees during the pendency of this application or credit any overpayment to Deposit Account No. 50-0476.

Respectfully Submitted,



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Dated: 8/17/04